

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Case No. 3:13-mc-44-MOC-DSC**

IN RE SUBPOENA TO ALSTON & BIRD LLP)
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ORDER


THIS MATTER is before the Court on the “Motion to Quash Subpoena Duces Tecum” (document # 1) filed March 5, 2013. The Court has carefully examined the record, the parties’ arguments and the applicable authorities. The Motion will be granted in part and denied in part.

The Court will deny the Motion to Quash as moot because the subpoena has been withdrawn. See document #2. However, the Court finds that Heckler & Koch, Inc. should be ordered to pay reasonable costs, including attorneys’ fees, incurred by German Sport Guns GmbH (“GSG”) and American Tactical Imports, Inc. (“ATI”) in filing the instant Motion. Therefore, the Motion to Quash is granted with respect to awarding costs.

GSG and ATI shall submit an affidavit detailing the expenses, including attorneys’ fees incurred in the filing of the instant Motion within seven (7) calendar days of the date of this Order. After the affidavit is filed, the Court will issue an order granting reasonable costs.

The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Max O. Cogburn, Jr..

SO ORDERED.



David S. Cayer
United States Magistrate Judge

